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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,324	09/04/2003	W. Doyle Kitchen JR.	1422-0001	5844

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EXAMINER
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NAJEE-ULLAH, TARIQ S

ART UNIT	PAPER NUMBER
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2152

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05/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/655,324	<b>Applicant(s)</b> KITCHEN, W. DOYLE	
	<b>Examiner</b> TARIQ S. NAJEE-ULLAH	<b>Art Unit</b> 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 32-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/04/03</u> .   | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

This is the first Office action in response to Application 10/655,324 filed on September 4, 2003. Claim 31 has been canceled by preliminary amendment filed February 5, 2007 by the Applicant. Claims 12, 30 and 32 have been amended. Claims 33-37 have been added. Claims 1-30 and 32-37 have been examined and are pending.

#### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on September 4, 2003 was in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1-4, 10-12, 14-23, 25, 27-30, 33, and 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication 6,868,498 to Katsikas.

Regarding claims 1, 12, 22, 28, 33, and 37, Katsikas teaches **a system for denying or allowing delivery of an incoming electronic mail (e-mail) message, said incoming message indicating a source e-mail server, a source domain, and an addressee for the message** (col. 2, lines 1-51); **a central e-mail server registry database for storing information regarding all e-mail servers and domains authorized to send e-mail messages over the Internet** (authorized senders list; col. 2, lines 14-46); **means for the addressee to specify characteristics of domains that are authorized to send e-mail messages to the addressee** (unique email address; col. 2, lines 10-15); **means for an e-mail server serving the addressee to access information from the registry database to determine whether the source domain possesses the specified characteristics** (col. 4, lines 5-36); **and means for allowing delivery of the incoming e-mail message if the source domain possesses the specified characteristics, and denying delivery of the incoming e-mail message if the source domain does not possess the specified characteristics** (col. 3, lines 21-56).

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Regarding claims 2, 16, 23, 25, and 29, Katsikas teaches the invention as described in claims 1, 12, 22, and 28 above including, **wherein the information regarding all authorized e-mail servers and domains includes a status of each e-mail server's registration with the registry database** (authorized senders list; col. 2, lines 14-46), **said status indicating whether each server is registered** (authorized senders list; col. 2, lines 14-46), **whether the server's associated domains are registered** (authorized senders list; col. 2, lines 14-46), **and whether the registrations are in good order** (col. 3, lines 21-56).

Regarding claims 3 and 15, Katsikas teaches the invention as described in claims 2 and 12 above including, **wherein the means for allowing delivery and denying delivery of the incoming e-mail message includes means for denying delivery if the source domain is not registered** (authorized senders list; col. 2, lines 14-46), **or if the registration of the source domain is not in good order** (col. 3, lines 21-56).

Regarding claims 4 and 17, Katsikas teaches the invention as described in claims 2 and 12 above including, **wherein the means for allowing delivery and denying delivery of the incoming e-mail message includes means for denying delivery if the source domain is**

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**not associated with the source e-mail server** (authorized senders list; col. 2, lines 14-46).

Regarding claims 10, 14, and 30, Katsikas teaches the invention as described in claims 2, 12, and 28 above including, **wherein the means for allowing delivery and denying delivery of the incoming e-mail message also includes means for denying delivery if the source e-mail server is not registered with the central registry database** (fig. 5; authorized senders list; col. 2, lines 14-46), **or if the source e-mail server's registration is not in good standing** (col. 3, lines 21-56).

Regarding claims 11, 18-19, and 27, Katsikas teaches the invention as described in claims 2, 12, and 22 above including, **further comprising: a local registry database associated with the e-mail server serving the addressee for downloading predefined information from the central registry database** (fig. 5; authorized senders list; col. 2, lines 14-46); **means within the e-mail server serving the addressee for accessing the local registry database in a first attempt to determine whether the source e-mail server and/or source domain are registered in good standing** (fig. 5; authorized senders list; col. 2, lines 14-46), **and whether the source domain possesses the specified characteristics; and means within the e-mail server serving the addressee for accessing the central registry database in a second attempt to**

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**determine whether the source e-mail server and/or source domain are registered in good standing, and whether the source domain possesses the specified characteristics** (col. 3, lines 21-56), **said second attempt being made in response to determining that the source e-mail server and/or source domain are not registered in the local registry database** (fig. 5; authorized senders list; col. 2, lines 14-46).

Regarding claims 20 and 21, Katsikas teaches the invention as described in claim 18 above including, **further comprising periodically refreshing the downloaded information in the local registry database** (updating; col. 6, lines 37-44); **and refreshing the downloaded information in the local registry database when requested** (col. 8, lines 21-23) **by the e-mail server serving the addressee** (updating; col. 6, lines 37-44).

Regarding claim 35, Katsikas teaches the invention substantially as described in claim 33 above including, **wherein the means for allowing and denying delivery of the incoming e-mail message is a local device connected to the local e-mail registry database** (fig. 2; ASL manager and Spam Processor connected to computer).

Regarding claim 36, Katsikas teaches the invention substantially as described in claim 33 above including, **wherein the means for allowing**

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**and denying delivery of the Incoming e-mail message is associated with an e-mail server serving the addressee, said e-mail server being connected to the local e-mail registry database** (fig. 2; ASL manager and Spam Processor connected to computer).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-9, 13, 24, 26, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,868,498 to Katsikas as applied to claims 2, 12, 22-23, and 33 above, and further in view of US Patent 6,128,602 to Northington et al (Northington hereinafter).

Regarding claims 5-9, 13, 26, 32 and 34, Katsikas teaches the invention substantially as described in claims 2, 12, 22, and 33 above including, **wherein the information regarding all authorized e-mail servers and domains associated with each registered domain. also includes a country code** (Northington; col. 15, line 39 – col. 16, line 39), **indicating a country of origin, industry code indicating industry**

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(Northington; col. 15, line 39 – col. 16, line 39), **class code indicating a type of business** (Northington; col. 15, line 39 – col. 16, line 39). Katsikas and Northington are analogous art because they are from the same field of endeavor of managing computer systems information and data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Northington's specific characteristics with Katsikas' email system. The suggestion/motivation would have been to receive, process, and store information obtained from a plurality of computer systems (Northington, col. 2, line 45-51).

Regarding claim 24, Katsikas teaches the invention substantially as described in claim 23 above including, **further comprising: means for receiving a complaint from a registered e-mail server regarding an identified source e-mail server sending an e-mail with characteristics that do not match the specified characteristics** (Katsikas; col. 3, lines 21-56). Northington teaches electronic **information regarding the country, industry, or business class of the e-mail's domain; and means for suspending the identified source e-mail server from the registry upon determining that the source e-mail server is sending e-mails with characteristics that do not match the registered information regarding the countries, industries, or business classes** (Northington; col. 15, line 39 – col. 16, line 39). Katsikas

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and Northington are analogous art because they are from the same field of endeavor of managing computer systems information and data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Northington's specific characteristics with Katsikas' email system. The suggestion/motivation would have been to receive, process, and store information obtained from a plurality of computer systems (Northington, col. 2, line 45-51).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent Application Publication 2004/0199608 to Rechterman et al.
- US Patent 6,609,106 to Robertson.
- US Patent 7,120,927 to Beyda et al.
- US Patent Application Publication 2003/0191969 to Katsikas.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TARIQ S. NAJEE-ULLAH whose telephone number is (571)270-5013. The examiner can normally be reached on Monday through Friday 8:30 - 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571)

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272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T. N.

/Jeffrey Pwu/  
Supervisory Patent Examiner, Art Unit 2146